

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF MORTGAGE LENDING**

In re:

Du Blake Investments Corp. and
Lori Blake,
Respondents.

**ORDER TO CEASE AND DESIST, NOTICE OF INTENT TO IMPOSE FINE AND NOTICE
OF RIGHT TO REQUEST HEARING**

The licensing and regulation of mortgage brokers and mortgage agents in the State of Nevada is governed by Chapter 645B of the Nevada Revised Statutes (hereinafter "NRS") and Chapter 645B of the Nevada Administrative Code (hereinafter "NAC"). The State of Nevada, Department of Business and Industry, Division of Mortgage Lending (hereinafter the "Division") has the general duty to exercise supervision and control over mortgage brokers and mortgage brokering activity. See, NRS 645B.060(1), NRS 645B.670 and NRS 645B.690, as amended. Pursuant to that authority, the Division makes the following Factual Allegations, Violations of Law, and Order as follows:

FACTUAL ALLEGATIONS

1. Based upon information and belief, Du Blake Investment Corp. (hereinafter "Du Blake Investment") is a corporation organized and existing under the laws of the State of Nevada since on or about January 8, 2009. Currently, Du Blake Investment's status with the Nevada Secretary of State is "active."

2. Based upon information and belief, and at all relevant times herein mentioned, Du Blake Investment held itself out, and continues to hold itself out, as engaging in or carrying

1 on the business of a mortgage broker pursuant to NRS 645B and conducted, and continues to
2 conduct, mortgage broker activity in the State of Nevada.

3 3. Du Blake Investment has never been issued a mortgage broker license by the
4 Division pursuant to NRS 645B.

5 4. Based upon information and belief, and at all relevant times herein mentioned,
6 Lori Blake (hereinafter "Blake") held herself out, and continues to hold herself out, as a
7 mortgage agent licensed by the Division pursuant to NRS 645B.

8 5. Based upon information and belief, and at all relevant times herein mentioned,
9 Blake was, and continues to be, affiliated with, or employed by, Du Blake Investment as a "loan
10 consultant," and solicited and conducted, and continues to solicit and conduct, mortgage
11 lending activity in the State of Nevada on behalf of Du Blake Investment.

12 6. Blake has never been issued a mortgage agent license by the Division pursuant
13 to NRS 645B.

14 7. On or about June 23, 2009, the Division received a written complaint (hereinafter
15 the "Complaint") from complainant DF alleging, among other things, that:

16 a. On or about January 21, 2009, DF spoke with Blake, and made application
17 to Du Blake Investment for a mortgage loan;

18 b. Du Blake Investment sent DF two commitment letters, both of which were
19 signed by Blake as "loan consultant," true and correct copies of which (except for redacted
20 borrower information) are attached hereto collectively as Exhibit A and incorporated herein by
21 reference as though set forth in full; and

22 c. When the loan was to be funded, Blake informed Complainant that she did
23 not have the money to fund the loan.

24 8. Pursuant to NRS 645B.060(2)(c), the Division is charged with conducting "...such
25 investigations as may be necessary to determine whether any person has violated any provision
26
27
28

1 of this chapter, a regulation adopted pursuant to this chapter... or an order of the
2 Commissioner.”

3 9. Pursuant to NRS 645B.060(2)(e), the Division is further charged with conducting
4 “...such other investigations, periodic or special audits, investigations and hearings as may be
5 necessary and proper for the efficient administration of the laws of this State regarding
6 mortgage brokers and mortgage agents...”

7 10. Pursuant to NRS 645B.610, if a person properly files a complaint with the
8 Division, the Division is further charged with investigating “each violation alleged in the
9 complaint...” and the Division “shall determine from the investigation whether there is
10 reasonable cause to believe that the person committed the alleged violation...” See NRS
11 645B.610(1) and NRS 645B(3), respectively.
12

13 11. Pursuant to NRS 645B.900, unless a person is exempt from NRS 645B and
14 complies with exemption requirements, “[it] is unlawful for any person to offer or provide any of
15 the services of a mortgage broker or mortgage agent or otherwise to engage in, carry on or hold
16 himself out as engaging in or carrying on the business of a mortgage broker or mortgage agent
17 without first obtaining the applicable license issues pursuant to [NRS 645B]...”
18

19 12. Pursuant to NRS 645B.400, “[a] person shall not act as or provide any of the
20 services of a mortgage agent or otherwise engage in, carry on or hold himself out as engaging
21 in or carrying on the activities of a mortgage agent unless the person has a license as a
22 mortgage agent issues pursuant to NRS 645B.410.”

23 13. After receiving the above Complaint, the Division conducted an investigation,
24 pursuant to NRS 645B.060, which revealed, among other things, that:

25 a. Du Blake Investment has never been issued a mortgage broker license by
26 the Division pursuant to NRS 645B.
27
28

1 b. Blake has never been issued a mortgage agent license by the Division
2 pursuant to NRS 645B.

3 c. At all relevant times herein mentioned, Blake was affiliated with, or
4 employed by, Du Blake Investment as a "loan consultant," and solicited and conducted
5 mortgage lending activity in the State of Nevada on behalf of Du Blake Investment, as
6 evidenced by Blake's discussion with DF regarding a mortgage loan, and Blake's signature as
7 "loan consultant" on two loan commitment letters to DF.

8 14. Pursuant to NRS 645B.690(1), as it existed at the time of said violations, "[i]f a
9 person offers or provides any of the services of a mortgage broker or mortgage agent or
10 otherwise engages in, carries on or holds himself or herself out as engaging in or carrying on
11 the business of a mortgage broker or mortgage agent and, at the time:
12

13 (a) The person was required to have a license pursuant to this chapter and the person did
14 not have such a license; or

15 (b) The person's license was suspended or revoked pursuant to this chapter,
16 the Commissioner shall impose upon the person an administrative fine of not more than
17 \$10,000 for each violation and, if the person has a license, the Commissioner shall revoke it."

18 15. Pursuant to NRS 645B.670, as it existed at the time of said violations, "[f]or
19 each violation committed by an applicant, whether or not he is issued a license, the
20 Commissioner may impose an administrative fine of not more than \$10,000 if he has violated
21 any provision of Chapter 645B, a regulation adopted pursuant thereto or an order of the
22 Commissioner." See NRS 645B.670(1)(c).
23

24 16. Pursuant to NAC 645B.340(1), if a person engages in an activity in violation of the
25 provisions of Chapter 645B of NRS, "the Commissioner may issue an order to the person
26 directing the person to cease and desist from engaging in the activity..."
27

28 ///

VIOLATIONS OF LAW

1
2 1. After investigating this matter, the Division has determined that at all relevant
3 times herein mentioned Du Blake Investment held itself out as engaging in or carrying on the
4 business of a mortgage broker in violation of NRS 645B and offered or provided unlicensed
5 services of a mortgage broker in violation of NRS 645B.900; and

6 2. At all relevant times herein mentioned, Blake held herself out as engaging in or
7 carrying on the business of a licensed mortgage agent, and solicited, offered, or provided
8 unlicensed services of a mortgage agent, in violation of NRS 645B.400 and 645B.900.
9

ORDER

10
11 **NOW, THEREFORE, THE COMMISSIONER OF THE DIVISION HEREBY ORDERS**
12 that, based on Du Blake Investment's and Blake's unlicensed activity in violation of NRS 645B,
13 and pursuant to NRS 622.080 and NAC 645B.340:

14 **A. DU BLAKE INVESTMENT IMMEDIATELY CEASE AND DESIST** from
15 the following activities:

16 1. Conducting any and all unlicensed mortgage broker activity in the
17 State of Nevada; and
18

19 2. Advertising for and soliciting mortgage broker business within the
20 State of Nevada.

21 **B. BLAKE IMMEDIATELY CEASE AND DESIST** from the following
22 activities:

23 1. Conducting any and all unlicensed mortgage agent activity in the
24 State of Nevada; and
25

26 2. Advertising for and soliciting mortgage agent business within the
27 State of Nevada.
28

1 **IT IS FURTHER ORDERED** that, pursuant to NAC 645B.340(4) upon filing a verified
2 petition with the Division within **thirty (30) days** of receipt of this Order to Cease and Desist,
3 Du Blake Investment and Blake, and each of them, shall be entitled to a hearing with regard to
4 the contents of this Order to Cease and Desist. Du Blake Investment and Blake are advised,
5 however, that the provisions of this Order to Cease and Desist are effective immediately upon
6 Du Blake Investment and Blake being served therewith, whether or not they, or either of them,
7 request a hearing.

8 **NOTICE TO DU BLAKE INVESTMENT AND BLAKE** and each of them: If you request
9 a hearing, you are specifically informed that you have the right to appear and be heard in
10 your defense, either personally or through your counsel of choice at your own expense. At
11 the hearing, if one is timely requested, the Division will call witnesses and present evidence
12 against you. You have the right to respond and to present relevant evidence and argument
13 on all issues involved. You have the right to call and examine witnesses, introduce exhibits
14 and cross-examine opposing witnesses on any matter relevant to the issues involved.

15 If the Division prevails at any hearing, it may request that attorney's fees and costs be
16 awarded pursuant to NRS 622.400.

17 **IT IS FURTHER ORDERED**, pursuant to NRS 645B.750, that upon written application
18 to the Division within **twenty (20) days** of the date of this Order, Du Blake Investment and
19 Blake, and each of them, shall be entitled to a hearing with regards to the contents of this
20 Order referenced hereafter. At that hearing the Division will seek:

21 1. The imposition of an administrative fine against Du Blake Investment
22 and Blake, jointly and severally, in the amount of Five Thousand Dollars and No Cents
23 (\$5,000.00), payable to the Division on account of their violations of Chapter 645B of NRS,
24 the Division's investigative costs in the amount of Six Hundred Sixty Nine Dollars and No
25
26
27
28

1 Cents (\$669.00) as well as the Division's attorney's fees, if any, incurred herein, to be proven
2 at the hearing; and

3 2. Payment, in full, to the Division of both the administrative fine in the
4 amount of Five Thousand Dollars and No Cents (\$5,000.00) and the Division's investigative
5 costs in the amount of Six Hundred Sixty Nine Dollars and No Cents (\$669.00), as well as
6 the Division's attorney's fees, if any, by Du Blake Investment and Blake, who shall be jointly
7 and severally liable, within **thirty (30) days** of entry of the Final Order.

8 Should Du Blake Investment or Blake not request a hearing within **twenty (20) days** of
9 the date of this Order, the Division will enter a Final Order in this matter against Du Blake
10 Investment and Blake, as required by NRS 645B.750(2).
11

12 Dated this 19th day of April, 2010.

13 State of Nevada
14 Department of Business and Industry
15 Division of Mortgage Lending

16 By: Joseph L. Waltuch
17 Joseph L. Waltuch, Commissioner
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT “A”

DU BLAKE INVESTMENT CORP.
50 S JONES #200
LAS VEGAS, NV 89107
March, 25 2009

[REDACTED]
BORROWER
[REDACTED] PROPERTIES INC
[REDACTED]
LAS VEGAS, NV 89117

Property Address: [REDACTED], Las Vegas, NV

Dear: [REDACTED]
We have reviewed your application for credit, and I am pleased to inform you that your loan has been approved. Please read carefully the enclosed terms and conditions upon which this loan has been based.

If you have any questions about your loan, or if we can be of further service to you, please call us at our customer service number, 702-562-0007, and an account representative will be happy to assist you.

Terms, 12 months interest only, no pre-payment. 70% LTV. Loan amount to be

\$49,000.00. 5 points shall be paid to DU BLAKE INVESTMENT, AND WILL BE ADDED TO THE LOAN.

Conditions. \$1000.00 for processing, (paid in full) Purchase Contract, Corporation Papers

Lori Blake
Loan Consultant

Lori Blake

DU BLAKE INVESTMENT CORP.
50 S JONES #200
LAS VEGAS, NV 89107
March, 25 2009

[REDACTED]
BORROWER
[REDACTED] PROPERTIES INC
[REDACTED]
LAS VEGAS, NV 89117

Property Address: [REDACTED] Las Vegas, NV

Dear: [REDACTED]
We have reviewed your application for credit, and I am pleased to inform you that your loan has been approved. Please read carefully the enclosed terms and conditions upon which this loan has been based.

If you have any questions about your loan, or if we can be of further service to you, please call us at our customer service number, 702-562-0007, and an account representative will be happy to assist you.

Terms, 12 months interest only, no pre-payment. 70% LTV. Loan amount to be \$105,000.00. 5 points shall be paid to DU BLAKE INVESTMENT, AND WILL BE ADDED TO THE LOAN.

Conditions. \$1000.00 for processing, (paid in full) Purchase Contract, Corporation Papers

Lori Blake
Loan Consultant

Lori Blake

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Department of Business and Industry, Division of Mortgage Lending, and that on , April 20, 2010, I deposited in the U.S. mail, postage prepaid via First Class Mail and Certified Return Receipt Requested, a true and correct copy of the foregoing. ORDER TO CEASE AND DESIST, NOTICE OF INTENT TO IMPOSE FINE AND NOTICE OF RIGHT TO REQUEST HEARING for DU BLAKE INVESTMENTS CORP. AND LORI BLAKE, addressed as follows:

Lori Blake
Du Blake Investment Corp.
50 S. Jones, Suite 200
Las Vegas, NV 89107

Certified Receipt Number: 7006 2760 0000 0876 4425

DATED this 19th day of April, 2010

By: Susan Slack
Employee of the Division